

Notice of Allowability

Application No.

10/734,498

Examiner

Matthew O. Savage

Applicant(s)

BASSETT ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to _____.
2. ☒ The allowed claim(s) is/are 1-10, 25, and 26 renumbered 1-13, respectively.
3. ☒ The drawings filed on 12 March 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 3-12-04, 3-25-05
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

This application discloses the following species of lug arrangements including a pair of diametrically opposed lugs (S1), three circumferentially spaced apart lugs (S2), and first and second pairs of diametrically opposed lugs (S3).

In addition, this application discloses the following subspecies of keyed engagement surfaces including the keyed engagement surface on each lug being different (SS1), and each keyed engagement surface on each lug being substantially similar (SS2).

This application contains claims directed to the following patentably distinct species of the claimed invention:

Claims 3 and 13 correspond to subspecies SS1;

Claims 4 and 14 correspond to subspecies SS2;

Claims 5 and 15 correspond to species S1;

Claims 6 and 16 correspond to species S2;

Claims 7 and 17 correspond to species S3.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 1, 2, 8-12, and 18-31 are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

During a telephone conversation with Mr. R. Thomas Payne on 4-26-05 a provisional election was made with traverse to prosecute the invention of species S1 and subspecies SS1, claims 1-3, 5, 8-13, 15, and 18-31. Affirmation of this election must be made by applicant in replying to this Office action. Claims 4, 6, 7, 14, 16, and 17 withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided

by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. R. Thomas Payne on 4-29-05.

Claims 11-23 and 27-31 have been canceled.

The first paragraph of the specification has been amended as follows:

-- This application is a continuation-in-part of U.S. Application Serial No. 10/208,492 filed July 30, 2002, now abandoned, which is a continuation of U.S. Application Serial No. 09/553,982 filed April 20, 2000, now U.S. Patent No. 6,458,269, the disclosure of each is hereby incorporated by reference to the extent not inconsistent with the present application. --.

The following is an examiner's statement of reasons for allowance: Fritze (US 20050023206A1) of which incorporates the valve assembly of Bassett et al (US006458269B1, see paragraph 36) is considered the closest prior art with respect to claims 1 and 24, however, the reference fails to teach or suggest the limitation of the at least one reception slot further defining at least one inclined surface for interacting with the trailing inclined cam surface formed on at least one lug to facilitate engagement and/or disengagement of the cartridge member with the axial cavity of the valve member as recited in instant claims 1 and 24. While Stanford et al (US005486288A)

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discloses at least one inclined surface for interacting with the trailing inclined cam surface formed on at least one lug to facilitate engagement and/or disengagement of the cartridge member with the axial cavity of a base member (see FIGS. 2 and 4), the reference fails to teach or suggest at least one inclined surface for interacting with the trailing inclined cam surface formed on at least one lug to facilitate engagement and/or disengagement of the cartridge member with the axial cavity of a valve member as recited in instant claims 1 and 24. There is no suggestion to modify the reception slot of the valve disclosed by Fritze to include the inclined surface of Stanford et al since the reception slot of Fritze et al is located within a valve member that is rotatable with respect to a head member of a filter assembly whereas the inclined surface of Stanford et al fixed to a base of a filter assembly of which does not include a rotatable valve member.

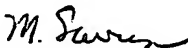
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew O. Savage whose telephone number is (571) 272-1146. The examiner can normally be reached on Monday-Friday, 7:00am-3:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on (571) 272-1166. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Matthew O Savage
Primary Examiner
Art Unit 1724

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May 2, 2005